

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte GREGORY M. FAHY

Application No. 09/933,309

MAILED

SEP - 9 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 7, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

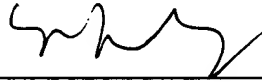
On December 29, 2004, appellant filed a Declaration of Gregory M. Fahy.

However, there is no indication that the examiner has considered the declaration or notified appellant as to the entry status of this paper.

Accordingly, it is

ORDERED that the application is remanded to the Examiner for written notification to appellant as to the entry status of the declaration, have complete copies scanned into the IFW file, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES



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